

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Andrew Tipler
Application No. 10/621,942	Filing Date: July 17, 2003
Title of Application:	Method For Measuring Effective Temperature Inside A Sealed Container
Confirmation No. 1556	Art Unit: 1797
Examiner:	Hyun, Paul Sang Hwa

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

*Terminal Disclaimer To  
Obviate A Double Patenting Rejection (37 CFR 1.321(b))*

Dear Sir:

The undersigned, Wesley W. Whitmyer, Jr., declares that:

1. I am the attorney of record in the subject patent application.
2. The assignee is PerkinElmer Ltd. located at Chalfont Road, Seer Green; Beaconsfield; Bucks HP9 2FX, Great Britain. PerkinElmer Ltd. is the owner of 100% of the rights, title and interest in and to Patent Application Serial No. 10/621,942 filed July 17, 2003 for "Method For Measuring Effective Temperature Inside A Sealed Container" by virtue of an assignment as recorded at the United States Patent Office on May 15, 2006 at Reel 017616, Frame 0808, and, to the best knowledge and belief of the undersigned, is believed to be the owner of record of U.S. Patent 6,645,773 issued November 11, 2003 for "Measuring Effective Temperature Inside A Sealed Container".
3. PerkinElmer Ltd. hereby disclaims the terminal part of the term of any patent granted on Application Serial No. 10/621,942 which would extend beyond the expiration date of the full statutory term of U.S. Patent 6,645,773 issued November 11, 2003.
4. PerkinElmer Ltd. hereby agrees that any patent granted on Application Serial No. 10/621,942 shall be enforceable only for and during such period that the legal title to Patent 6,645,773 shall be the same as the legal title to all patents issuing on said

Application Serial No. 10/621,942, this Agreement to run with any patent granted on said Application Serial No. 10/621,942 and to be binding upon PerkinElmer Ltd., its representatives, successors, and assigns.

5. PerkinElmer Ltd. does not disclaim any terminal part of any patent granted on said Application Serial No. 10/621,942 prior to the expiration date of the full statutory term of U.S. Patent 6,645,773 in the event that U.S. Patent 6,645,773 either expires for failure to pay a maintenance fee, or is held unenforceable, or is found invalid, or is statutorily disclaimed in whole or hereafter terminally disclaimed under 37 CFR § 321(a), or has all claims cancelled by a re-examination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

6. Fee paid via EFS System in the sum of \$130.00. If there is any fee deficiency, please charge Account No. 19-4516.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

April 9, 2008

/Wesley W. Whitmyer, Jr./

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